

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JOHNNY LEE JONES,  
Plaintiff,  
vs.  
NDOC, *et al.*,  
Defendants. )  
Case No. 2:11-cv-00027-PMP-GWF  
**ORDER**  
Motion to Appoint Counsel on Appeal  
(#24) and Motion to Waive Filing Fee  
(#25)

This matter is before the Court on Plaintiff's Motion to Appoint Counsel on Appeal (#24) and Motion to Waive Filing Fee for Appeal (#25), filed April 19, 2011.

## **1. Motion to Appoint Counsel on Appeal (#24)**

Plaintiff's Motion to Appoint Counsel on Appeal requests that this Court appoint counsel to assist him in preparing his appeal. (#24). A request for counsel to be appointed to assist in preparing an appeal should be directed to the appellate court. The Court will deny Plaintiff's motion as Plaintiff should file his request for counsel as part of his appeal pending before the Ninth Circuit.

## **2. Motion to Waive Filing Fee on Appeal (#25)**

Plaintiff filed an appeal with the Ninth Circuit Court of Appeals and applied to proceed *in forma pauperis* during his appeal pursuant to Fed.R.App.P. 24(a)(3). The Court will grant Plaintiff's application to proceed *in forma pauperis* before the Ninth Circuit based on the Court's previous finding that Plaintiff is unable to pay a filing fee or to give security for fees and costs. (*See* #4). Accordingly,

IT IS

**denied.**

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**IT IS FURTHER ORDERED** that Plaintiff's Motion to Waive Filing Fee for Appeal (#25) is granted.

DATED this 4th day of May, 2011.

*George Foley Jr.*  
**GEORGE FOLEY, JR.**  
United States Magistrate Judge